

REMARKS

In response to the Office Action dated December 31, 2007, please enter the following remarks. The Examiner indicated that the application is in condition for allowance except for the listed formal matters. Applicant acknowledges that the Examiner indicated that the application is in condition for allowance, and further believes that the listed formal matters have been addressed.

The Examiner objected to the application under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. An *Assent by Assignee for Filing of Reissue Application*, signed by Mariann McNally, was originally submitted with an Amendment filed on November 24, 2003. A copy of this Assent, indicating that the Assignee owns an undivided interest to the original patent, is attached. Further, a statement under 37 CFR 3.73(b) that was also previously filed on November 24, 2003 states that Kelsey-Hayes Company is the assignee of the entire right, title and interest in U.S. Patent No. 5,941,608 and details the chain of title for this patent. Therefore, the assignee has established its ownership interest in the patent. Thus, this matter should not prevent allowance of the application.

The Examiner stated that there is no indication of record that the party who signed the submission is an appropriate party to sign on behalf of the assignee. Applicant respectfully directs Examiner's attention to the August 4, 2005 Response to the Office Action dated February 4, 2005 in which this issue was addressed. The following text is copied from that response.

The Examiner has asserted that the person signing the submission establishing ownership interest, Mariann McNally, has failed to state his/her capacity to sign for the corporation or other business entity, and he/she has not been established as being authorized to act on behalf of the assignee.

Applicants respectfully disagree. Ms. McNally indicated her title to be "Assistant Secretary". She is a corporate officer of the Assignee corporation, with the apparent authority to sign, as denoted by her title. According to the MPEP § 324 (II) (A):

The submission may be signed by a person in the organization having apparent authority to sign on behalf of the organization. 37 CFR 3.73(b)(2)(ii). An officer (chief executive officer, president, vice-president, **secretary**, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. **Modifications of these basic titles are acceptable, such as** vice-president for sales, executive vice-president, **assistant** treasurer, vice-chairman of the board of directors. (**emphasis added**)

Since the MPEP clearly indicates that the corporate title "Secretary" is presumed to have authority to sign on behalf of the organization, and that a modification of this basic title would be acceptable, and the MPEP even includes the modifier "assistant" among the modifiers specifically approved as acceptable, it is clear that, as Assistant Secretary, Ms. McNally has the apparent authority to sign on behalf of her organization, and she is not required to further establish her authority.

Nevertheless, Applicants have *previously supplied* a Statement Under 37 C.F.R. § 3.73(b), signed by Ms. McNally, which indicates (above her signature) that she is authorized to act on behalf of the assignee (see accompanying copy). Accordingly, the Examiner is requested to withdraw his requirement for another submission establishing ownership interest in the patent.

Therefore, the issue of whether the party who signed the submission is an appropriate party to sign on behalf of the assignee has been addressed. Thus, this matter should not prevent allowance of the application.

The Examiner further indicated that the application is defective because it fails to identify at least one error which is relied upon to support the reissue application. Applicant respectfully directs Examiner's attention to the November 24, 2003

Response to the Office Action dated May 23, 2003 in which this issue was addressed. The following text is copied from that Response.

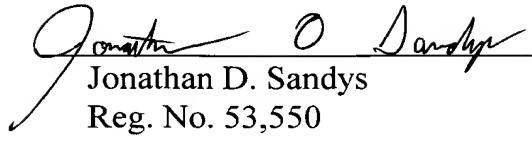
The Examiner has noted that the reissue oath/declaration with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. The reissue application declaration submitted without signature upon filing of this reissue application, and subsequently submitted with signatures February 28, 2002, includes a statement of inoperativeness or invalidity of original patent, pursuant to 37 CFR § 1.175. This statement, on page 3 of the reissue declaration, asserts that "I believe the original patent to be partly inoperative or invalid by reason of (37 CFR § 1.175(a)(1)): the patentee claiming more or less than the patentee had a right to claim." However, a description of the error relied upon was not included. Therefore, a supplemental declaration including a description of the error relied upon is submitted herewith.

A copy of the supplemental declaration including a description of the error relied upon is included with this Response. The issue of the error which is relied upon to support the reissue application has been addressed. Thus, this matter should not prevent allowance of the application.

Per the requirement of 37 CFR 1.178, the original patent is enclosed with this response.

Applicant acknowledges the initialed copy of the Information Disclosure Statement (IDS), included with the outstanding Office Action, which the Examiner has initialed and signed. However, Applicant observes that the Examiner failed to initial four of the entries listed as "Other Documents." Copies of the four documents were previously submitted with the Supplemental IDS dated September 24, 2007. A copy of the IDS and these references have been enclosed with this response for the Examiner's convenience. Applicant respectfully requests that the Examiner consider these references and initial and sign the IDS appropriately.

Respectfully submitted,


Jonathan D. Sandys
Reg. No. 53,550

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fifth Floor
720 Water Street
Toledo, Ohio 43604
(419) 255-5900



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Gregory P. Campau, et al.

Application No./Patent No.: 5,941,608

Filed/Issue Date: August 24, 1999

Entitled:

ELECTRONIC BRAKE MANAGEMENT SYSTEM WITH MANUAL FAIL SAFE

Kelsey-Hayes Company, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Mark S. Luckevich To: Kelsey-Hayes Company
The document was recorded in the United States Patent and Trademark Office at
Reel 8983, Frame 0590, or for which a copy thereof is attached.
2. From: Gregory P. Campau To: Kelsey-Hayes Company
The document was recorded in the United States Patent and Trademark Office at
Reel 8983, Frame 0602, or for which a copy thereof is attached.
3. From: Thomas Weigert To: Kelsey-Hayes Company
The document was recorded in the United States Patent and Trademark Office at
Reel 8983, Frame 0938, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

9-3-03

Date

1-734-266-2663

Telephone number

Mariann McNally

Typed or printed name

Mariann McNally

Signature

Assistant Secretary

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Greg Campau et al.)
Patent No.: 5,941,608) Group Art Unit 3683
Issue Date: August 24, 1999) Examiner: Christopher P. Schwartz
For: ELECTRONIC BRAKE)
MANAGEMENT SYSTEM WITH)
MANUAL FAIL-SAFE) Attorney Docket 1-23339

STATEMENT UNDER 37 CFR 3.73(b)

Section B - Additional Documents in the Chain of Title

A chain of title, continued from the chain of title listed in the attached Statement Under 37 C.F.R. 3.73(b), from the inventor(s), of the patent identified above, to the current assignee as shown below:

4. From: Blaise J. Ganzel To: Kelsey-Hayes Company
The document was recorded in the United States Patent and Trademark Office at
Reel 9169, Frame 0175.

5. From: Salvatore Oliveri, Robert L. Ferger, and Andrew W. Kingston To: Kelsey-Hayes Company
The document was recorded in the United States Patent and Trademark Office at
Reel 9720, Frame 0638.

COPY

Practitioner's Docket No. 1-23339

PATENT

ASSENT BY ASSIGNEE FOR FILING OF REISSUE APPLICATION

NOTE: The written assent of all assignees, if any, owning an undivided interest in the original patent must be included in the application for reissue. 37 C.F.R. 1.172(a).

This is part of the application for a reissue patent filed herewith based on the original patent identified as follows:

Gregory P. Campau, et al.

Name of Patentee

5,941,608

Patent Number

August 24, 1999

Date Patent Issued

Electronic Brake Management System With Manual Fail Safe

Title of Invention

I am an assignee owning

☒ an undivided interest to the above original patent.

☐ a _____% (per cent) interest in the above original patent.

I assent to the filing of Reissue Application No. 09/939,509, filed August 24, 2001, for the reissue of U.S. Patent No. 5,941,608, issued August 24, 1999, and to the subject matter in the Amendment submitted herewith. Attached is a statement under 37 C.F.R. 3.73(b), establishing the right of assignee to take action.

Kelsey-Hayes Company

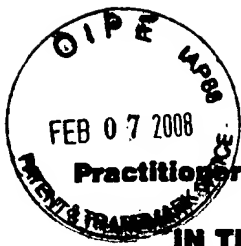
Name of assignee

Mariann McNally
Signature of person signing for assignee

Date: 9-3-03

Mariann McNally
ASSISTANT SECRETARY
(type or print name and title of person signing for assignee)

COPY



Practitioner's Docket No. 1-23339

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REISSUE APPLICATION SUPPLEMENTAL DECLARATION
(BY INVENTOR(S) OR ASSIGNEE)**

NOTE: For any error corrected, which is not covered by the declaration previously submitted in the reissue application, a supplemental declaration must be submitted, before allowance, stating that every such error arose without any deceptive intention on the part of the applicant.

(complete A or B)

A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is described and claimed in letters patent number 5941608, granted on 8/24/99, and in the subject matter in the amendment

☒ submitted herewith, and for which a reissue patent is sought on the invention entitled "ELECTRONIC BRAKE MANAGEMENT SYSTEM WITH MANUAL FAIL SAFE," the specification of which was filed on August 24, 2001, as reissue application number 09/939,509.

B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

(type or print name of declarant)

Title

of _____
Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of _____ and resident of _____, that the entire title to letters patent number _____ for _____ granted on _____, to _____
Inventor(s)
is vested in _____
Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (*if only one name is listed*) or an original, first and part inventor (*if plural names are listed*) of the subject matter that is described and claimed in the aforesaid letters patent number _____, granted on _____, and in the subject matter in the amendment

- ☐ submitted herewith,
☐ filed on _____

and for which invention I solicit a reissue patent.

(Reissue Application Supplemental Declaration [17-6.4]—page 1 of 5)

COPY

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
(37 C.F.R. § 1.175)**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OF ORIGINAL PATENT (37 C.F.R. § 1.175)**

I verily believe the original patent to be:

- ☒ partly
☐ wholly

Inoperative or invalid by reason of (37 C.F.R. § 1.175(a)(1)):

(check all items that may apply)

- ☐ a defective specification
☐ a defective drawing
☒ the patentee claiming more or less than the patentee had a right to claim in the patent.

NOTE: At least one error must be relied upon as the basis for the reissue. 37 C.F.R. § 1.175(a)(1). Having once stated an error upon which the reissue is based, unless all errors previously stated in the declaration are no longer being corrected, a subsequent declaration need not specifically identify any other error(s) being corrected. 37 C.F.R. § 1.175(c).

That the error(s) listed above, which is/are being corrected, up to the time of the filing of this reissue supplemental declaration, arose without any deceptive intention on the part of the applicant. (37 C.F.R. § 1.175(a)(2)).

- ☐ Corroborating statements of others accompany this declaration.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OR INVALIDITY OF ORIGINAL PATENT
(continued)**

The attorney of record failed to appreciate the full scope of the invention in that the attorney of record failed to appreciate that an aspect of the invention was that the backup source of pressurized hydraulic fluid, which may be a master cylinder, supplied two fluid conduits (or two brake circuits), each supplying a respective one of two brakes on a vehicle axle. None of the claims of the issued patent are directed to this patentable aspect of the invention, as patentee had a right to claim.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Reissue Application Supplemental Declaration [17-6.4]—page 3 of 5)

COPY

SIGNATURE(S)

☒ **BY THE INVENTOR(S)**

Full name of **sole** or **first** inventor Gregory P. Campau
Inventor's signature *Gregory P. Campau*
Date 8/5/03 Country of Citizenship U.S.
Residence 47881 Thoreau, Plymouth, Michigan 48170
Post Office Address Same

Full name of **second** joint inventor, if any Andrew W. Kingston
Inventor's signature *Andrew W. Kingston*
Date 8/4/03 Country of Citizenship Great Britain
Residence 111 WILKES STREET 8, 56323 WALDRECH, GERMANY.
Post Office Address _____

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

- ☐ Assignment recorded in P.T.O. on _____
Reel _____
Frame _____
- ☐ A separate
☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"
or
☐ FORM PTO 1595

is submitted herewith along with the assignment.

COPY

Full name of third inventor: Robert L. Ferger

Inventor's signature _____ Date: _____

Residence: _____

Citizenship: Germany Post Office Address: Same

Full name of fourth inventor: Thomas Weigert

Inventor's signature _____ Date: _____

Residence: _____

Citizenship: Germany Post Office Address: _____

Full name of fifth inventor: Salvatore Oliveri

Inventor's signature _____ Date: _____

Residence: _____

Citizenship: Italy Post Office Address: _____

Full name of sixth inventor: Blaise J. Ganzel

Inventor's signature Blaise Ganzel Date: 8-SEP-03

Residence: 3317 Alton Court, Ann Arbor, Michigan 48105

Citizenship: U.S. Post Office Address: Same

Full name of seventh inventor: Mark S. Luckeyich

Inventor's signature Mark Luckeyich Date: Sept. 10, 2003

Residence: 3400 Pittsview Drive, Ann Arbor, Michigan 48108

Citizenship: U.S. Post Office Address: Same

COPY



Practitioner's Docket No. 1-23339

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REISSUE APPLICATION SUPPLEMENTAL DECLARATION
(BY INVENTOR(S) OR ASSIGNEE)**

NOTE: For any error corrected, which is not covered by the declaration previously submitted in the reissue application, a supplemental declaration must be submitted, before allowance, stating that every such error arose without any deceptive intention on the part of the applicant.

(complete A or B)

A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is described and claimed in letters patent number 5941608, granted on 8/24/99, and in the subject matter in the amendment

☒ submitted herewith, and for which a reissue patent is sought on the invention entitled "ELECTRONIC BRAKE MANAGEMENT SYSTEM WITH MANUAL FAIL SAFE," the specification of which was filed on August 24, 2001, as reissue application number 09/939,509.

B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

(type or print name of declarant)

Title

of

Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of _____ and resident of _____, that the entire title to letters patent number _____ for _____ granted on _____

to

Inventor(s)

is vested in

Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (*if only one name is listed*) or an original, first and part inventor (*if plural names are listed*) of the subject matter that is described and claimed in the aforesaid letters patent number _____ granted on _____, and in the subject matter in the amendment

☐ submitted herewith,

☐ filed on _____

and for which invention I solicit a reissue patent.

(Reissue Application Supplemental Declaration [17-6.4]—page 1 of 5)

COPY

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
(37 C.F.R. § 1.175)**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OF ORIGINAL PATENT (37 C.F.R. § 1.175)**

I verily believe the original patent to be:

- ☒ partly
☐ wholly

Inoperative or invalid by reason of (37 C.F.R. § 1.175(a)(1)):

(check all items that may apply)

- ☐ a defective specification
☐ a defective drawing
☒ the patentee claiming more or less than the patentee had a right to claim in the patent.

NOTE: At least one error must be relied upon as the basis for the reissue. 37 C.F.R. § 1.175(a)(1). Having once stated an error upon which the reissue is based, unless all errors previously stated in the declaration are no longer being corrected, a subsequent declaration need not specifically identify any other error(s) being corrected. 37 C.F.R. § 1.175(c).

That the error(s) listed above, which is/are being corrected, up to the time of the filing of this reissue supplemental declaration, arose without any deceptive intention on the part of the applicant. (37 C.F.R. § 1.175(a)(2)).

- ☐ Corroborating statements of others accompany this declaration.

COPY

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OR INVALIDITY OF ORIGINAL PATENT
(continued)**

The attorney of record failed to appreciate the full scope of the invention in that the attorney of record failed to appreciate that an aspect of the invention was that the backup source of pressurized hydraulic fluid, which may be a master cylinder, supplied two fluid conduits (or two brake circuits), each supplying a respective one of two brakes on a vehicle axle. None of the claims of the issued patent are directed to this patentable aspect of the invention, as patentee had a right to claim.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Reissue Application Supplemental Declaration [17-6.4]—page 3 of 5)

COPY

SIGNATURE(S)

☒ **BY THE INVENTOR(S)**

Full name of **sole** or **first** inventor Gregory P. Campau

Inventor's signature _____

Date _____ Country of Citizenship U.S.

Residence 47881 Thoreau, Plymouth, Michigan 48170

Post Office Address Same

Full name of **second** joint inventor, if any Andrew W. Kingston

Inventor's signature _____

Date _____ Country of Citizenship Great Britain

Residence _____

Post Office Address _____

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

☐ Assignment recorded in P.T.O. on _____
Reel _____
Frame _____

☐ A separate

☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"

or

☐ FORM PTO 1595

is submitted herewith along with the assignment.

COPY

Full name of third inventor: Robert L. Ferger

Inventor's signature Robert L. Ferger

Date: 10/30/2003

Residence: Schutzingerstrasse 16, 71665 Faihingen-Enz, Germany

Citizenship: Germany

Post Office Address: Same

Full name of fourth inventor: Thomas Weigert

Inventor's signature _____

Date: _____

Residence: _____

Citizenship: Germany

Post Office Address: _____

Full name of fifth inventor: Salvatore Oliveri

Inventor's signature _____

Date: _____

Residence: _____

Citizenship: Italy

Post Office Address: _____

Full name of sixth inventor: Blaise J. Ganzel

Inventor's signature _____

Date: _____

Residence: 3317 Alton Court, Ann Arbor, Michigan 48105

Citizenship: U.S.

Post Office Address: Same

Full name of seventh inventor: Mark S. Luckevich

Inventor's signature _____

Date: _____

Residence: 3400 Pittsview Drive, Ann Arbor, Michigan 48108

Citizenship: U.S.

Post Office Address: Same

COPY



Practitioner's Docket No. 1-23339

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REISSUE APPLICATION SUPPLEMENTAL DECLARATION
(BY INVENTOR(S) OR ASSIGNEE)**

NOTE: For any error corrected, which is not covered by the declaration previously submitted in the reissue application, a supplemental declaration must be submitted, before allowance, stating that every such error arose without any deceptive intention on the part of the applicant.

(complete A or B)

A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is described and claimed in letters patent number 5941608, granted on 8/24/99, and in the subject matter in the amendment

☒ submitted herewith, and for which a reissue patent is sought on the invention entitled "ELECTRONIC BRAKE MANAGEMENT SYSTEM WITH MANUAL FAIL SAFE," the specification of which was filed on August 24, 2001, as reissue application number 09/939,509.

B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

(type or print name of declarant)

Title

of

Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of _____ and resident of _____, that the entire title to letters patent number _____ for _____ granted on _____ to _____

inventor(s)
is vested in _____

Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (if only one name is listed) or an original, first and part inventor (if plural names are listed) of the subject matter that is described and claimed in the aforesaid letters patent number _____ granted on _____, and in the subject matter in the amendment

☐ submitted herewith,

☐ filed on _____

and for which invention I solicit a reissue patent.

(Reissue Application Supplemental Declaration [17-8.4]—page 1 of 5)

COPY

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
(37 C.F.R. § 1.175)**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OF ORIGINAL PATENT (37 C.F.R. § 1.175)**

I verily believe the original patent to be:

- ☒ partly
☐ wholly

Inoperative or invalid by reason of (37 C.F.R. § 1.175(a)(1)):

(check all items that may apply)

- ☐ a defective specification
☐ a defective drawing
☒ the patentee claiming more or less than the patentee had a right to claim in the patent.

NOTE: At least one error must be relied upon as the basis for the reissue. 37 C.F.R. § 1.175(a)(1). Having once stated an error upon which the reissue is based, unless all errors previously stated in the declaration are no longer being corrected, a subsequent declaration need not specifically identify any other error(s) being corrected. 37 C.F.R. § 1.175(c).

That the error(s) listed above, which is/are being corrected, up to the time of the filing of this reissue supplemental declaration, arose without any deceptive intention on the part of the applicant. (37 C.F.R. § 1.175(a)(2)).

- ☐ Corroborating statements of others accompany this declaration.

COPY

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OR INVALIDITY OF ORIGINAL PATENT
(continued)**

The attorney of record failed to appreciate the full scope of the invention in that the attorney of record failed to appreciate that an aspect of the invention was that the backup source of pressurized hydraulic fluid, which may be a master cylinder, supplied two fluid conduits (or two brake circuits), each supplying a respective one of two brakes on a vehicle axle. None of the claims of the issued patent are directed to this patentable aspect of the invention, as patentee had a right to claim.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Reissue Application Supplemental Declaration [17-6.4]—page 3 of 5)

COPY

SIGNATURE(S)

☒ **BY THE INVENTOR(S)**

Full name of **sole** or **first** inventor Gregory P. Campau

Inventor's signature _____

Date _____ Country of Citizenship U.S.

Residence 47881 Thoreau, Plymouth, Michigan 48170

Post Office Address Same

Full name of **second** joint inventor, if any Andrew W. Kingston

Inventor's signature _____

Date _____ Country of Citizenship Great Britain

Residence _____

Post Office Address _____

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

☐ Assignment recorded in P.T.O. on _____
Reel _____
Frame _____

☐ A separate

☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"

or

☐ FORM PTO 1595

is submitted herewith along with the assignment.

COPY

Full name of third inventor: Robert L. Ferger

Inventor's signature _____ Date: _____

Residence: _____

Citizenship: Germany Post Office Address: Same

Full name of fourth inventor: Thomas Weigert

Inventor's signature Thomas Weigert Date: 31.10.03

Residence: Am Loubach 26, 65843 Sulzbach, Germany

Citizenship: Germany Post Office Address: _____

Full name of fifth inventor: Salvatore Oliveri

Inventor's signature _____ Date: _____

Residence: _____

Citizenship: Italy Post Office Address: _____

Full name of sixth inventor: Blaise J. Ganzel

Inventor's signature _____ Date: _____

Residence: 3317 Alton Court, Ann Arbor, Michigan 48105

Citizenship: U.S. Post Office Address: Same

Full name of seventh inventor: Mark S. Luckevich

Inventor's signature _____ Date: _____

Residence: 3400 Pittsview Drive, Ann Arbor, Michigan 48108

Citizenship: U.S. Post Office Address: Same

COPY



Carigan Mistrug

RECEIVED
DEC 08 2003

GROUP 3600

Practitioner's Docket No. 1-23339

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION SUPPLEMENTAL DECLARATION
(BY INVENTOR(S) OR ASSIGNEE)

NOTE: For any error corrected, which is not covered by the declaration previously submitted in the reissue application, a supplemental declaration must be submitted, before allowance, stating that every such error arose without any deceptive intention on the part of the applicant.

(complete A or B)

A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is described and claimed in letters patent number 5941608, granted on 8/24/99, and in the subject matter in the amendment

☒ submitted herewith, and for which a reissue patent is sought on the invention entitled "ELECTRONIC BRAKE MANAGEMENT SYSTEM WITH MANUAL FAIL SAFE," the specification of which was filed on August 24, 2001, as reissue application number 09/939,509.

B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

(type or print name of declarant) Title _____

of _____
Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of _____ and resident of _____
that the entire title to letters patent number _____
for _____ granted on _____
to _____
Inventor(s)
is vested in _____
Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (if only one name is listed) or an original, first and part inventor (if plural names are listed) of the subject matter that is described and claimed in the aforesaid letters patent number _____
granted on _____, and in the subject matter in the amendment

☐ submitted herewith,
☐ filed on _____

and for which invention I solicit a reissue patent.

(Reissue Application Supplemental Declaration [17-6.4]—page 1 of 5)

COPY

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
(37 C.F.R. § 1.175)**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OF ORIGINAL PATENT (37 C.F.R. § 1.175)**

I verily believe the original patent to be:

- ☒ partly
☐ wholly

Inoperative or invalid by reason of (37 C.F.R. § 1.175(a)(1)):

(check all items that may apply)

- ☐ a defective specification
☐ a defective drawing
☒ the patentee claiming more or less than the patentee had a right to claim in the patent.

NOTE: At least one error must be relied upon as the basis for the reissue. 37 C.F.R. § 1.175(a)(1). Having once stated an error upon which the reissue is based, unless all errors previously stated in the declaration are no longer being corrected, a subsequent declaration need not specifically identify any other error(s) being corrected. 37 C.F.R. § 1.175(c).

That the error(s) listed above, which is/are being corrected, up to the time of the filing of this reissue supplemental declaration, arose without any deceptive intention on the part of the applicant. (37 C.F.R. § 1.175(a)(2)).

- ☐ Corroborating statements of others accompany this declaration.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OR INVALIDITY OF ORIGINAL PATENT
(continued)**

The attorney of record failed to appreciate the full scope of the invention in that the attorney of record failed to appreciate that an aspect of the invention was that the backup source of pressurized hydraulic fluid, which may be a master cylinder, supplied two fluid conduits (or two brake circuits), each supplying a respective one of two brakes on a vehicle axle. None of the claims of the issued patent are directed to this patentable aspect of the invention, as patentee had a right to claim.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Reissue Application Supplemental Declaration (17-6.4)—page 3 of 5)

COPY

SIGNATURE(S)

☒ **BY THE INVENTOR(S)**

Full name of sole or first inventor Gregory P. Campau
Inventor's signature _____
Date _____ Country of Citizenship U.S.
Residence 47881 Thoreau, Plymouth, Michigan 48170
Post Office Address Same

Full name of second joint inventor, if any Andrew W. Kingston
Inventor's signature AW Kingston
Date 3/11/03 Country of Citizenship Great Britain
Residence 1M VOLLESUMPA 8, 56323 WALDSEH, GERMANY
Post Office Address _____

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

- ☐ Assignment recorded in P.T.O. on _____
Reel _____
Frame _____
- ☐ A separate
- ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"
- or
- ☐ FORM PTO 1595

Is submitted herewith along with the assignment.

(Reissue Application Supplemental Declaration [17-6.4]—page 4 of 5)

COPY